

Article - Natural Resources

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§8–1815.1.

(a) (1) The provisions of this section are in addition to any other sanction, remedy, or penalty provided by law.

(2) This section does not apply to any cutting or clearing of trees that is allowed under regulations adopted by the Commission under this subtitle.

(b) If a person cuts or clears or plans to cut or clear trees within the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in violation of an approved local critical area program or of regulations adopted by the Commission, the chairman may bring an action, or the local jurisdiction may bring an action or request that the chairman of the Commission refer the matter to the Attorney General to bring an action:

(1) To require the person to replant trees where the cutting or clearing occurred in accordance with a plan prepared by the State Forester, a registered professional forester, or a registered landscape architect;

(2) To restrain the planned violation; or

(3) For damages:

(i) To be assessed by a circuit court in an amount equal to the estimated cost of replanting trees; and

(ii) To be paid to the Department by the person found to have violated the provisions of this subsection.

(c) If the chairman of the Commission has reason to believe that the local jurisdiction is failing to enforce the requirements of subsection (b) of this section, the chairman shall refer the matter to the Attorney General as provided under § 8–1815(b) of this subtitle.

(d) On the chairman of the Commission's referral of an alleged violation under subsection (c) of this section to the Attorney General, the Attorney General may invoke the remedies available to the local jurisdiction under subsection (b) of this section in any court of competent jurisdiction in which the local jurisdiction would be authorized to prosecute or sue.

(e) On the request of a local jurisdiction or the chairman of the Commission, the State Forester, a registered professional forester, or a registered landscape architect may prepare, oversee, and approve the final implementation of a plan to:

(1) Replant trees in any part of the Chesapeake Bay Critical Area where trees in the Chesapeake Bay Critical Area are cut or cleared in violation of subsection (b) of this section; and

(2) Replant trees in any part of the Atlantic Coastal Bays Critical Area where trees in the Atlantic Coastal Bays Critical Area are cut or cleared in violation of subsection (b) of this section.

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